

DECLARATION FOR DEPOSIT OF BIOLOGICAL MATERIAL

A below named inventor, I hereby declare that:

I am Robert E. Click, inventor of the subject matter contained in United States Patent Application No. 10/516,640. My residential and post office address are located at N8693 1250 Street, River Falls, Wisconsin 54022.

A deposit of the *Dietzia sp.* C79793-74: EB121 120601 has been made on March 7, 2002, in a depository affording permanence of the deposit and ready accessibility thereto by the public if a patent is granted. The International Depository Authority where deposit was made is the American Type Culture Collection (ATCC) located at 10801 University Blvd., Manassas, Virginia 20110-2209 USA.

The deposited *Dietzia sp.* C79793-74: EB121 120601 has been accorded the Accession Number: PTA-4125.

All restriction on the availability to the public of the material so deposited will be irrevocably removed upon the granting of a patent.

The deposited *Dietzia sp.* C79793-74: EB121 120601 has been deposited under conditions that access to the material will be available during the pendency of the above mentioned patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

The deposited *Dietzia sp.* C79793-74: EB121 120601 will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case, for a period of at least thirty (30) years after the date of deposit for the enforceable life of the patent, whichever period is longer.

Attached as Attachment A is a true and correct copy of the Receipt in the Case of an Original Deposit Issued Pursuant to Rule 7.3 and Viability Statement Issued Pursuant to Rule 10.2, which, upon information and belief, was signed by a person having authority to represent ATCC on April 12, 2002.

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

DECLARANT:

Robert E. Click

DATE:

3/3/04